

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

BRIGHTON TRUSTEES, LLC,
AS TRUSTEE, *et al.*,
Plaintiffs,

v.

GENWORTH LIFE AND ANNUITY
INSURANCE COMPANY,
Defendant.

Civil No. 3:20cv240 (DJN)

PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Pursuant to the Court's Order Preliminarily Approving Class Action Settlement (ECF No. 136 ¶ 20) and Federal Rule of Civil Procedure 23(e)(2), Plaintiffs and Class Representatives Brighton Trustees, LLC, on behalf of and as trustee for Diamond LS Trust; Bank of Utah, solely as securities intermediary for Diamond LS Trust; and Ronald L. Daubenchier, on behalf of themselves and all other members of the certified Class, respectfully move this Court before the Honorable David J. Novak for final approval of the proposed Settlement. In support of this Motion, Plaintiffs will rely upon the accompanying memorandum of law, the declarations attached hereto, and other written and oral argument as may be requested or permitted by the Court.

In the preliminary approval order, the Court set an in-person Final Fairness Hearing for 3:00 p.m. on October 17, 2022 to determine whether "(i) the proposed Settlement as set forth in the Settlement Agreement, should be finally approved as fair, reasonable, and adequate pursuant to Federal Rule of Civil Procedure 23; (ii) an order approving the Settlement Agreement and a Final Judgment should be entered; (iii) an order approving a proposed plan of allocation should be entered; and (iv) the application of Class Counsel for an award of attorneys' fees, expense reimbursements, and incentive awards in this matter should be approved."

Dated: September 2, 2022

Respectfully submitted,

/s/ Kathleen J.L. Holmes

Ellen D. Marcus (Virginia Bar No. 44314)
Kathleen J.L. Holmes (Virginia Bar No. 35219)
HOLMES COSTIN & MARCUS PLLC
301 N. Fairfax Street, Suite 202
Alexandria, VA 22314
Tel: 703-260-6401
Fax: 703-439-1873
emarcus@hcmlawva.com
kholmes@hcmlawva.com

Steven G. Sklaver (*pro hac vice*)
Lora J. Krsulich (*pro hac vice*)
SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067-6029
Tel: 310-789-3100
Fax: 310-789-3150
ssklaver@susmangodfrey.com
lkrsulich@susmangodfrey.com

Seth Ard (*pro hac vice*)
Ryan Kirkpatrick (*pro hac vice*)
SUSMAN GODFREY L.L.P.
1301 Avenue of the Americas, 32nd Floor
New York, NY 10019
Tel.: 212-336-8330
Fax: 212-336-8340
sard@susmangodfrey.com
rkirkpatrick@susmangodfrey.com

Jonathan J. Ross (*pro hac vice*)
SUSMAN GODFREY LLP
1000 Louisiana Street, Suite 5100
Houston, TX 77002
Tel: 713-653-7813
Fax: 713-654-3399
jross@susmangodfrey.com

Class Counsel

Francis J. Balint, Jr. (Virginia Bar No. 21909)
Andrew S. Friedman (*pro hac vice*)

BONNETT, FAIRBOURN, FRIEDMAN &
BALINT, PC.
2325 East Camelback Road, Suite 300
Phoenix, Arizona 85016
Tel: 602- 274-110
Fax: 602-274-1199
afriedman@bffb.com
fbalint@bffb.com

Attorneys for Plaintiff Daubennmier